

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JAMES KOMMER, on behalf of himself and all
others similarly situated,

Plaintiff,

- against -

BAYER CONSUMER HEALTH,
a division of Bayer AG, BAYER
CONSUMER CARE HOLDINGS LLC,
BAYER HEALTHCARE LLC, BAYER
CORPORATION, and MSD CONSUMER
CARE, INC.,

Defendants.
----- X

No. 1:16-cv-01560 (DAB)

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, dated May 6, 2016, and the accompanying Declaration of James D. Arden, executed May 6, 2016, including the exhibit thereto, Defendants Bayer Consumer Health, Bayer Consumer Care Holdings LLC, Bayer Healthcare LLC, and Bayer Corporation move this Court, before the Honorable Judge Deborah Batts, in Courtroom 24B at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order dismissing the First Amended Complaint, and all Counts therein, and granting such other and further relief as requested and as this Court deems just and proper in the above-captioned case, pursuant to Federal Rules of Civil Procedure 8, 12(b)(1), and 12(b)(6).

Dated: May 6, 2016

Respectfully submitted,

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Bayer Healthcare LLC, and Bayer Corporation*